

H.A

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/737,320	MINOR, JAMES M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryan Bui	2863	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/20/05.
2. ☒ The allowed claim(s) is/are 5-19, 24-30, 32 and 34-42.
3. ☒ The drawings filed on 16 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>6/20/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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1. Applicant's papers filed on 6/20/ 2005 have been received and entered. Claims 1-4, 20-23, 31 and 33 have been cancelled. Claims 5-9 and 32 have been amended. Claims 38-42 have been added. Claims 5-19, 24-30, 32, 34-42 are pending in the application.
2. Applicant's remark has been considered.
3. IDS submitted on 6/20/2005 have been considered.

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Claims 10-19, 24-30, and 34-37 are allowable over the prior art of record because none of the prior art whether taken singularly or in combination to teach the **claimed combination** as recited through combination steps of creating, combining, fitting, calculating surrogate values  $s$  as a function of a summation of the fitted platforms and solving for a function  $f_j$  by regressing against  $s$  using an appropriate functional form such that  $f_j$ , for  $j=1$  to  $n$ , is a monotonic, non-constant function of  $s$ .

Claims 38-42 are allowable over the prior art of record because none of the prior art whether taken singularly or in combination to teach the claimed combination as recited through combination performance: constructing surrogate values to represent the true values of the properties being measured, to provide consensus-correct ordering of the platform vectors, wherein said surrogate values,  $s$  are functionally related to the measured values of each platform as follows:

$$s = \sum c_j f_j, c_j > 0, j = 1, \dots, n$$
, such that for a given value of  $s$ , all platforms ( $f_j, j = 1, \dots, n$ ) have a unique value and is a monotonic non-constant function of  $s$  (claim 40);

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wherein at least one of the measurement values in at least one platform vectors is missing or invalid and imputing a value for each said missing or invalid measurement value and inserting the imputed value in a position in which said missing or invalid measurement value occurs, respectively (claim 41); means for imputing a value for missing or invalid measurement value and inserting the imputed value in a position in which said missing or invalid measurement value occurs (claim 42).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

7/20/2005

**BRYAN BUI**  
**PRIMARY EXAMINER**

